



City and County of San Francisco

Meeting Agenda - Final

Rules Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: David Campos, Michela Alioto-Pier, Eric Mar

Clerk: Linda Wong (415) 554-7719

Monday, July 12, 2010

10:00 AM

City Hall, Legislative Chamber, Room 250

Special Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget and Legislative Analyst report*
- 3) Department or Agency cover letter and/or report*
- 4) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

AGENDA CHANGES

REGULAR AGENDA

1. [100637](#) **[San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]**

Sponsors: Campos; Mirkarimi, Chiu and Mar

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section(s) 8A. 101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, A8.409-1, A8.409-4 and A8.428, and deleting Section and A8.404, to provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors, allocate a share of property tax revenues to the Transportation Fund, require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors, establish an Office of the MTA Inspector General, and eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

Attachments: [Legislation Ver1](#)

[Comm Packet 062510](#)

5/18/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

6/25/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Ross Mirkarimi; Supervisor David Chiu; Supervisor Bevan Dufty; Nathaniel Ford, Executive Director, Municipal Transportation Agency; Ben Rosenfield, Controller, Controller's Office; Daniel Murphy; Dave Snyder; Tom Hilldrich; Male Speaker; Leah LaCroix, Youth Commission; Female Speaker.

The Chair intends to entertain a motion to send this item to Board as Committee Report on July 13, 2010.

2. [100632](#) **[Public Education Enrichment Fund]**

Sponsor: Alioto-Pier

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 16.23-10, to extend the automatic expiration of the Public Education Enrichment Fund from June 30, 2015, to June 30, 2016; amending Sections 16.123-2 and 16.123-8, to make conforming changes; amending Section 16.123-3, to use any surplus returned from the Library Preservation Fund Baseline to fund part of the City's required disbursements under the Public Education Enrichment Fund for, among other things, library programs; amending Section 16.123-5, to allow the City to use monies in the Fund to pay college tuition and fees for students attending City College or San Francisco State; amending Section 16.123-6, to authorize the Youth Commission to review expenditure plans submitted by the School District and the First Five Commission, amending Section 16.123-8, to require the City to recommend a Rainy Day Reserve policy for the San Francisco Unified School District covering local revenues and authorize the City to suspend disbursements from the Fund to the School District unless the District certifies that it has adopted and followed the policy; and, repealing Section 16.123-7 as obsolete.

Attachments: [Legislation Ver1](#)

5/18/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee. The 30 Day Rule does not begin until the Charter Amendment is approved as to form by the City Attorney's Office.

5/25/10 - Received the Charter Amendment approved as to form by the City Attorney's Office.

The Chair intends to entertain a motion to send this item to Board as Committee Report on July 13, 2010.

3. [100267](#) **[Amending the Charter's Definition of Voter]**
Sponsor: Mirkarimi
 Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Article XVII to change the definition of "voters."
Attachments: [Legislation_Ver1](#)
- 3/9/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.
- The Chair intends to entertain a motion to send this item to Board as Committee Report on July 13, 2010.*
4. [100633](#) **[Split Appointments to the Recreation and Park Commission]**
Sponsors: Mirkarimi; Campos, Mar, Daly and Avalos
 Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.113 to split the power to make appointments to the Recreation and Park Commission between the Mayor and the Board of Supervisors, and amending Section 15.105 to provide that the appropriate appointing authority may initiate removal of Recreation and Park Commissioners.
Attachments: [Legislation_Ver1](#)
[Comm_Packet_061810](#)
[Comm_Packet_070810](#)
[Legislation_Ver2](#)
[Legislation_Ver3](#)
- 5/19/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.
- 6/18/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Ross Mirkarimi, Board of Supervisors; Mark Buell, Recreation and Park Commission; Phil Ginsburg, Recreation and Park Department; Cynthia Goldstein, Board of Appeals; AnMarie Mabbutt; Nan Roth; Ernestine Weiss; Catherine Enny; Martha Hoffman; Greg Miller; Alfonso Felder; Sheri Sternberg; Dennis Juarez; Nancy Wherfel; Hiroshi Fukuda; Tony Rossmann; Dave Rhody; Kelly Nice; Nancy Connor; Mark Duffett; Phil Ryan; Reid Swanson; Jenee Gill; Carolyn Blair; Linda Yacobucci; Casey Allen; Rose Hillson; Jared Hirsch; Annie Adams; Eliote Durham; Gene Thompson; Susanne Dumont; John Rizzo; Owen O'Donnell; Phil Day; Kevin Lee; Joan Intrator; Meredith Thomas; Larry Lizby; Sean McGreen; Darcy Villere; Gregory Weir; Allen Scott; Crystal Vann Wallstrom; Mary Spoerer; Dennis Antenore; Dennis Mosgofian; Larry Bair; Mark Renne; Pam Hemphill; Mr. Brown; Walter Paulson; Andrea O'Leary; Bill Wilson; David Aldridge; Eric Brooks; Katherine Howard; Karen Arnold; Peg Stevenson, Controller's Office; Andrew Shen, City Attorney's Office.
- 6/18/10; CONTINUED TO CALL OF THE CHAIR AS AMENDED.
- 7/8/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Jeremy Pollock, Office of Supervisor Ross Mirkarimi; Patrick Monette-Shaw; Mark Buell, Recreation and Park Commission; Phil Ginsburg, Recreation and Park Department; Walter Paulson; John Rizzo; George Weeding; Oscar Frick; Christina Sieana.; Phillip Carlton; Steven Lui; Greg Miller; Nancy Wuerfel; Linnette L.; Martha Hoffman; Elias Moosa; Hiroshi Fukuda; Suzanne Dumont; Pam Hemphill; Brent Plater; Marilyn Kohn; Mary Ann Miller; Lynn Lee; Barbara Kawaguchi; David Aldridge; Denis Mosgofian; Dennis Antenore; Karen Anderson; Katherine Howard.
- 7/8/10; CONTINUED TO CALL OF THE CHAIR AS AMENDED.
- The Chair intends to entertain a motion to send this item to Board as Committee Report on July 13, 2010.*

LITIGATION

Conference with City Attorney

*[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]
Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Administrative Code Section 67.10(d) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and claims listed below.*

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

5. **100856** **[Settlement of Lawsuit - Jeffrey Bitton, Sandra Bitton and Micha Bitton - \$48,500]**
Ordinance authorizing settlement of the lawsuit filed by Jeffrey Bitton, Sandra Bitton and Micha Bitton against the City and County of San Francisco for \$48,500; the lawsuit was filed on December 15, 2008, in the United States District Court, Northern District of California, Case No. C08-5585; entitled Jeffrey Bitton, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation VER1](#)

6/21/10; RECEIVED AND ASSIGNED to the Rules Committee.

6. **100857** **[Settlement of Attorney's Fees/Costs Claim in Lawsuit - A.N.S.W.E.R. Coalition - \$90,000]**
Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by A.N.S.W.E.R. Coalition - San Francisco in litigation against the City and County of San Francisco for \$90,000.00; the lawsuit was filed on June 16, 2006, in San Francisco Superior Court, Case No. CPF-06-506438; entitled A.N.S.W.E.R. Coalition - San Francisco v. City and County of San Francisco. (City Attorney)

Attachments: [Legislation VER1](#)

6/21/10; RECEIVED AND ASSIGNED to the Rules Committee.

7. **100858** **[Settlement of Unlitigated Claim - Barbara Whittenburg - \$60,000]**
Resolution approving the settlement of the unlitigated claim filed by Barbara Whittenburg against the City and County of San Francisco for \$60,000; claim was filed on November 12, 2009. (City Attorney)

Attachments: [Legislation VER1](#)

6/21/10; RECEIVED AND ASSIGNED to the Rules Committee.

8. **100859** **[Settlement of Unlitigated Claim - Lance Gentile - \$105,000]**
Resolution approving the settlement of the unlitigated claim filed by Lance Gentile against the City and County of San Francisco for \$105,000; claim was filed on September 28, 2009. (City Attorney)

Attachments: [Legislation VER1](#)

6/21/10; RECEIVED AND ASSIGNED to the Rules Committee.

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations listed above.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors.

Any written comments should be sent to: Committee Clerk of the Rules Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

There are no items currently pending under the 30 day rule.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfbos.org/meetings

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719**

Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics